

U.S. District Court
Northern District of Ohio (Cleveland)
CIVIL DOCKET FOR CASE #: 1:06-cv-02037-DCN

King v. General Motors Corporation
Assigned to: Judge Donald C. Nugent
Case in other court: USDC Northern District of Ohio,
1:04cv01958
Cause: 28:1332 Diversity-Personal Injury

Date Filed: 08/24/2006
Date Terminated: 09/13/2007
Jury Demand: Plaintiff
Nature of Suit: 360 P.I.: Other
Jurisdiction: Diversity

Plaintiff

Kevin A. King

represented by **Brent L. English**
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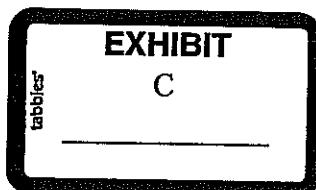
V.

Defendant

General Motors Corporation

represented by **Matthew J. Morelli**
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Date Filed	#	Docket Text
08/24/2006	<u>1</u>	Notice of Removal from Cuyahoga County Court of Common Pleas, case number CV 06 596800. with jury demand (Filing fee 350 receipt number 14660003244.). Filed by General Motors Corporation. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Civil Cover Sheet)(C, BA) (Entered: 08/25/2006)
08/24/2006		Random Assignment of Magistrate Judge Vecchiarelli, pursuant to Local Rule 3.1. (C, BA) (Entered: 08/25/2006)
08/31/2006	<u>2</u>	<i>Defendant's Answer to Complaint (Related Doc # [])</i> filed by all defendants. (Morelli, Matthew) (Entered: 08/31/2006)
10/03/2006	<u>3</u>	Case Management Conference Scheduling Order with case management conference to be held on 11/14/2006 at 10:30 AM at Chambers 15A before Hon. Donald C. Nugent. Signed by Judge Donald C. Nugent on 10/2/06. (E, S) (Entered: 10/03/2006)
11/09/2006	<u>4</u>	Motion to attend <i>case management conference (for corporate representative)</i> by telephone filed by all defendants. Related document(s) <u>3</u> . (Morelli, Matthew) (Entered: 11/09/2006)
11/13/2006	<u>5</u>	Marginal Order granting defendant's Motion for corporate representative to attend case management conference by telephone (Related Doc # <u>4</u>). Judge Donald C. Nugent(R, J) Modified text 12/4/2006 (C, K A). (Entered:

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11/27/2006	<u>6</u>	Minutes of proceedings of Case Management Conference before Judge Donald C. Nugent. The case is assigned to the Standard track. A Status Conference set for 2/12/2007 10:00 AM in Chambers 15A before Hon. Donald C. Nugent, fact discovery cut-off is 2/14/2007, expert discovery cut-off to be determined, dispositive motion deadline to be determined. (R, J) Modified text of docket entry on 1/8/2007 (B, B). (Entered: 11/27/2006)
02/02/2007	<u>7</u>	Motion to continue <i>Status Conference scheduled for 2/12/07</i> filed by Kevin A. King. (Attachments: # <u>1</u> Exhibit A)(English, Brent) Modified on 3/7/2007 (G, D). (Entered: 02/02/2007)
02/09/2007	<u>8</u>	Marginal Order granting Motion to continue (Related Doc # <u>7</u>)Status Conference and rescheduling it for 2/26/2007 09:30 AM in Chambers 15A before Hon. Donald C. Nugent.(R,JM) (Entered: 02/09/2007)
02/28/2007	<u>9</u>	Minutes of proceedings of Status Conference before Judge Donald C. Nugent. Discovery is extended to April 26, 2007. Expert discovery to be concluded at that time. Plaintiff to provide expert report to defendant by 3/5/07. Defendant to provide expert report by 4/5/07. Dispositive motions due 5/15/07; response due 6/15/07 and reply due 6/29/07. Trial set for 9/4/07 at 8:30 a.m. Trial order shall issue. Judge Donald C. Nugent (R,JM) (Entered: 02/28/2007)
02/28/2007	<u>10</u>	FILING ERROR, to be refiled. Civil Jury Trial Order scheduling case for trial on 9/4/2007 08:30 AM in Courtroom 15A before Hon. Donald C. Nugent. Judge Donald C. Nugent (R,JM) Modified text 3/6/2007 (C, K). (Entered: 02/28/2007)
03/07/2007	<u>11</u>	Civil Jury Trial Order REFILED - Trial set for 9/4/2007 08:30 AM in Courtroom 15A before Hon. Donald C. Nugent.. Signed by Judge Donald C. Nugent(R,JM) (Entered: 03/07/2007)
05/15/2007	<u>12</u>	Unopposed Motion for extension of time until May 29, 2007, June 29, 2007, and July 10, 2007 to File Dispositive Motion, File Response to Dispositive Motion, and File Reply in Support of Dispositive Motion (respectively) filed by General Motors Corporation. (Harris, Paul) (Entered: 05/15/2007)
05/17/2007	<u>13</u>	Marginal Order granting <u>12</u> Motion for Extension of Time re <u>12</u> Unopposed Motion for extension of time until May 29, 2007, June 29, 2007, and July 10, 2007 to File Dispositive Motion, File Response to Dispositive Motion, and File Reply in Support of Dispositive Motion (respectively). Signed by Judge Donald C. Nugent(R,JM) (Entered: 05/17/2007)
05/23/2007	<u>14</u>	Notice of withdrawal of Matthew J. Morelli and substitution of William Edwards filed by all defendants. (Morelli, Matthew) (Entered: 05/23/2007)
05/29/2007	<u>15</u>	Unopposed Motion for extension of time until June 1, 2007 and July 3, 2007 to File Defendant's Dispositive Motion and Plaintiff's Response to Dispositive Motion (respectively) filed by General Motors Corporation. (Harris, Paul) (Entered: 05/29/2007)
06/01/2007	<u>16</u>	Motion for summary judgment filed by General Motors Corporation. (Attachments: # <u>1</u> Memorandum in Support of Defendant's Motion for Summary

09-50026-mg Doc 10888-4 Filed 09/19/11 Entered 09/19/11 14:44:30 Exhibit C -

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 Judgment# 2 Exhibit A to Memorandum in Support of Defendant's Motion for Summary Judgment# 3 Exhibit B to Memorandum in Support of Defendant's Motion for Summary Judgment# 4 Exhibit C to Memorandum in Support of Defendant's Motion for Summary Judgment# 5 Exhibit D to Memorandum in Support of Defendant's Motion for Summary Judgment)(Harris, Paul) (Entered: 06/01/2007)

06/14/2007	<u>17</u>	Marginal Order granting <u>15</u> Motion for Extension of Time until June 1, 2007 and July 3, 2007 to File Defendant's Dispositive Motion and Plaintiff's Response to Dispositive Motion (respectively). Signed by Judge Donald C. Nugent(R,JM) (Entered: 06/14/2007)
07/03/2007	<u>18</u>	Unopposed Motion for extension of Time to Respond to Defendant's Motion for Summary Judgment until 7/24/2007 filed by Kevin A. King. Related document(s) <u>17</u> , <u>16</u> . (English, Brent) (Entered: 07/03/2007)
07/11/2007	<u>19</u>	Marginal Order granting <u>18</u> Unopposed Motion for extension of Time until 7/24/07 to Respond in opposition to Defendant's Motion for Summary Judgment. Signed by Judge Nugent(R,JM) Modified text 7/13/2007 (C, K). (Entered: 07/11/2007)
07/24/2007	<u>20</u>	Unopposed Motion for extension of time until August 7, 2007 to Respond in Opposition to Defendant's Motion for Summary Judgment filed by Kevin A. King. (English, Brent) (Entered: 07/24/2007)
07/27/2007	<u>21</u>	Marginal Order granting <u>20</u> Motion for Extension of Time time until August 7, 2007 to Respond in Opposition to Defendant's Motion for Summary Judgment. Signed by Judge Donald C. Nugent(R,JM) (Entered: 07/27/2007)
08/07/2007	<u>22</u>	Motion for extension of time until August 23, 2007 to File Opposition to Defendant's Motion for Summary Judgment filed by Kevin A. King. Related document(s) <u>16</u> . (English, Brent) (Entered: 08/07/2007)
08/09/2007	<u>23</u>	Marginal Order granting <u>22</u> Motion for Extension of Time until August 23, 2007 to File Opposition to Defendant's Motion for Summary Judgment. Signed by Judge Donald c. Nugent(R,JM) (Entered: 08/09/2007)
08/21/2007	<u>24</u>	Motion for 10 day extension of time for Filing Opposition to Defendant's Motion for Summary Judgment to File Opposition to Motion for Summary Judgment filed by Kevin A. King. Related document(s) <u>16</u> . (English, Brent) Modified wording of text on 8/27/2007 (C, Br). (Entered: 08/21/2007)
08/24/2007	<u>25</u>	Marginal Order granting <u>24</u> Motion for Extension of Time for Filing Opposition to Defendant's Motion for Summary Judgment to File Opposition to Motion for Summary Judgment. Signed by Judge Donald C. Nugent(R,JM) (Entered: 08/24/2007)
08/27/2007		Notice (Non-document)of Jury Trial re-set to 9/11/2007 08:30 AM in Courtroom 15A before Hon. Donald C. Nugent. (R,JM) (Entered: 08/27/2007)
09/04/2007	<u>26</u>	Motion for extension of time until September 6, 2007 to File Additional Affidavit filed by Kevin A. King. Related document(s) <u>25</u> . (Attachments: # <u>1</u> Affidavit OF KEVIN A. KING)(English, Brent) (Entered: 09/04/2007)

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09/04/2007	<u>27</u>	Memorandum and Evidence In Opposition to <u>16</u> Motion for summary judgment filed by Kevin A. King. (Attachments: # <u>1</u> Affidavit OF KEVIN A. KING# <u>2</u> Affidavit OF JACKIE LEWIS)(English, Brent) Modified wording of text on 9/10/2007 (C, Br). (Entered: 09/04/2007)
09/05/2007	<u>28</u>	Supplemental Opposition to <u>16</u> Motion for summary judgment (<i>Supplement</i>) filed by Kevin A. King. (Attachments: # <u>1</u> Exhibit Precipitation Data for August 2002# <u>2</u> Exhibit Weather Data by hour for August 2002# <u>3</u> Exhibit Summary of Weather Data for August 2002)(English, Brent) Modified wording of text on 9/10/2007 (C, Br) (Entered: 09/05/2007)
09/05/2007	<u>29</u>	Supplemental Opposition to <u>16</u> Motion for summary judgment (<i>Supplement</i>) filed by Kevin A. King. (Attachments: # <u>1</u> Exhibit Cleveland Hopkins International Airport Hourly Precipitation Table August 2002# <u>2</u> Exhibit Cleveland Hopkins International Airport hourly weather data for August 2002# <u>3</u> Exhibit Cleveland Hopkins International Airport daily weather data for August 2002)(English, Brent) Modified text on 9/10/2007 (C, Br). (Entered: 09/05/2007)
09/06/2007	<u>30</u>	Motion for extension of time until September 7,2007 to File Supplemental Affidavit from Louis J. Chapman filed by Kevin A. King. Related document(s) <u>27</u> , <u>26</u> , <u>29</u> . (English, Brent) (Entered: 09/06/2007)
09/07/2007	<u>31</u>	Order denying Motion for summary judgment (Related Doc # <u>16</u>). Trial remains set for 8:30am on September 11, 2007. Signed by Judge Donald C. Nugent on 9/7/07.(R,Sh) (Entered: 09/07/2007)
09/07/2007	<u>32</u>	Notice of <i>Filing and Supplmental Affidavit</i> filed by Kevin A. King. (Attachments: # <u>1</u> Exhibit Exhibit A, Affidavit of Louis J. Chapman)Related document(s) <u>27</u> , <u>16</u> , <u>26</u> , <u>30</u> .(English, Brent) Modified wording of text on 9/10/2007 (C, Br). (Entered: 09/07/2007)
09/07/2007	<u>33</u>	Motion to continue <i>Jury Trial scheduled for Tuesday, September 11, 2007</i> filed by Kevin A. King. Related document(s) <u>31</u> ,. (Attachments: # <u>1</u> Competing Trial Notice)(English, Brent) (Entered: 09/07/2007)
09/07/2007	<u>34</u>	Response to <u>33</u> Motion to continue <i>Jury Trial scheduled for Tuesday, September 11, 2007</i> filed by General Motors Corporation. (Harris, Paul) (Entered: 09/07/2007)
09/07/2007	<u>35</u>	Motion for reconsideration of the Court's summary judgment ruling pending Defendant's Reply filed by General Motors Corporation. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(Harris, Paul) (Entered: 09/07/2007)
09/07/2007	<u>36</u>	Motion for attorney Patrick N. Fanning to Appear Pro Hac Vice Filing fee 100, receipt number 2627958. filed by General Motors Corporation. (Attachments: # <u>1</u> Exhibit Certificate of Good Standing)(Harris, Paul) (Entered: 09/07/2007)
09/09/2007	<u>37</u>	Reply in support of <u>36</u> Motion for attorney Patrick N. Fanning to Appear Pro Hac Vice Filing fee 100, receipt number 2627958. filed by Kevin A. King. (English, Brent) (Entered: 09/09/2007)

09/09/2007	<u>38</u>	Ser-Reply to GM's Response to Plaintiff's <u>33</u> Motion to continue Jury Trial scheduled for Tuesday, September 11, 2007 filed by Kevin A. King. (English, Brent) (Entered: 09/09/2007)
09/10/2007	<u>39</u>	Marginal Order denying Motion to continue Trial. (Related Doc # <u>33</u>). Signed by Judge Donald C. Nugent(R,JM) (Entered: 09/10/2007)
09/10/2007	<u>40</u>	Marginal Order granting Motion for appearance pro hac vice by attorney Patrick N. Fanning for General Motors Corporation (Related Doc # <u>36</u>) Signed by Judge Donald C. Nugent(R,JM) (Entered: 09/10/2007)
09/10/2007	<u>41</u>	Order denying Motion for reconsideration of the Court's denial of Defendant's Motion for Summary Judgment. Related Doc # <u>35</u> . Trial will proceed as scheduled. Signed by Judge Donald C. Nugent on 9/10/07.(R,Sh) (Entered: 09/10/2007)
09/10/2007	<u>42</u>	Motion to continue trial by one day filed by Kevin A. King. (English, Brent) (Entered: 09/10/2007)
09/10/2007	<u>43</u>	Marginal Order granting Motion to continue (Related Doc # <u>42</u>)Jury Trial for One Day, Trial is re-set for 9/12/2007 08:30 AM in Courtroom 15A before Hon. Donald C. Nugent. Signed by Judge Donald C. Nugent(R,JM) (Entered: 09/10/2007)
09/10/2007	<u>44</u>	Trial Brief filed by General Motors Corporation. (Harris, Paul) (Entered: 09/10/2007)
09/10/2007	<u>45</u>	Notice of <i>Videotaped Deposition</i> filed by Kevin A. King. (English, Brent) (Entered: 09/10/2007)
09/11/2007	<u>46</u>	Subpoena Returned Executed; served upon Jackie Lewis by Residential Service on September 10, 2007 filed on behalf of Kevin A. King (English, Brent) (Entered: 09/11/2007)
09/11/2007	<u>47</u>	Subpoena Returned Executed; served upon Louis Chapman by Residential Service on September 10, 2007 filed on behalf of Kevin A. King (English, Brent) (Entered: 09/11/2007)
09/12/2007	<u>48</u>	Deposition of Jared Levin, MD taken on September 11, 2007. Complete document on file, 62 pages including index and exhibits with one videotape filed by Kevin A. King. Related document(s) <u>45</u> . (R,Sh) (Entered: 09/12/2007)
09/13/2007	<u>49</u>	Order of Case Dismissal. Signed by Judge Donald C. Nugent(R,JM) (Entered: 09/13/2007)
09/17/2007	<u>50</u>	Order that defendant is ordered to pay jury costs in the amount of \$1,517.16. Signed by Judge Donald C. Nugent on 9/13/07.(E,P) (Entered: 09/17/2007)

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